there is a separate provision for maintenance. *Wynch* v. *Wynch*, 1 Cox Ch. 433. In some cases, however, the exception has the earmarks of a flat rule of policy regardless of expressed intention, a policy in favor of the child being supported. Thus, when the testator directed the interest to be accumulated until the legatee reached twenty-one, one court, nevertheless, implied a gift of income for maintenance. *Mole* v. *Mole*, 1 Dick. Rep. 310. But whatever the scope of the exception, the principal case seems clearly not to fall within it; for the fact that the child had not been dependent upon the mother for support precludes the necessity or probable intention of a gift of the intermediate income.

LIMITATION OF ACTIONS — ACCRUAL OF ACTION — CONSTRUCTION OF STOCKHOLDERS' LIABILITY STATUTE. — A Minnesota statute provides that on petition by the receiver of an insolvent corporation the court may levy assessments upon stockholders if the corporate assets are shown to be insufficient to discharge the corporate indebtedness. GEN. STAT. 1913, § 6645 *et seq.* In 1907 a corporation was declared insolvent and a receiver appointed. In 1915 the receiver petitioned for a hearing and obtained an assessment. Later the same year he sues a stockholder upon the assessment, and is met with a defence of the six year Statute of Limitations. *Held*, the action is barred by the Statute of Limitations. *Shearer* v. *Christy*, 161 N. W. 498 (Minn.).

The general principle seems clear that the Statute of Limitations does not begin to run upon a claim until suit may be brought to enforce it. *Staninger* v. *Tabor*, 103 Ill. App. 330; *In re Hanlin's Estate*, 133 Wis. 140, 113 N. W. 411. Where some condition beyond the control of the plaintiff must first be satisfied, the statute does not run until such condition is fulfilled. *Harriman* v. *Wilkins*, 20 Me. 93. See 1 WOOD, LIMITATIONS, 4 ed., § 122 a. But where the preliminary act or condition precedent to direct prosecution of the claim is within the plaintiff's control, the statute begins to run as soon as such act may reasonably be accomplished. *Shelburne* v. *Robinson*, 8 Ill. 597; *Williams* v. *Bergin*, 116 Cal. 56, 47 Pac. 877; *Bauserman* v. *Charlott*, 46 Kan. 480, 26 Pac. 1051. *Contra*, *Hildebrand* v. *Kinney*, 172 Ind. 447, 87 N. E. 832. In the principal case the court proceeds upon the basis that the right of action against the stockholder arises as soon as the receiver is appointed. Other courts, however, in construing this Minnesota statute have held that the right of action does not arise until the insufficiency of corporate assets is adjudicated and the assessment is levied by the court. *Bernheimer* v. *Converse*, 206 U. S. 516; *Hale* v. *Cushman*, 96 Me. 148, 51 Atl. 874. Similar provisions in other states have likewise been interpreted as giving rise to a right of action only when the assessment is levied. *Goss* v. *Carter*, 156 Fed. 746; *Mister* v. *Thomas*, 122 Md. 445, 89 Atl. 844; *Shipman* v. *Treadwell*, 208 N. Y. 404, 102 N. E. 634. And statutes making stockholders of insolvent corporations liable on unpaid subscriptions have received a similar construction. *Hawkins* v. *Glenn*, 131 U. S. 319; *Gillin* v. *Sawyer*, 93 Me. 151, 44 Atl. 677. It would seem that neither of these views is desirable. On the one hand, the creditors should be protected; on the other, the stockholder should not have liability hanging over him indefinitely until the receiver may choose to get an assessment levied. It is the policy of the law to wind up insolvent estates speedily in the interest both of the creditor and of the stockholder. Under such a statute the receiver may bring proceedings against the stockholders as soon as the corporate assets have been so marshalled that the propriety of an assessment can be demonstrated to the court with fair certainty. Limitations should, therefore, begin to run as soon as this step might reasonably be accomplished.

MANDAMUS — ACTS SUBJECT TO MANDAMUS — TEMPORARY POSSESSION OF PUBLIC OFFICE PENDING RESULT OF CONTEST. — The defendant, governor